

September 8, 2000

DoJ Declares Americans Have No Right to Keep and Bear Arms — *Does Al Gore Agree?*

Texan Timothy Joe Emerson was convicted of felony possession of a firearm while under a routine restraining order that arose from his divorce proceedings. While overturning the conviction on the grounds that it violated Emerson's Second and Fifth Amendment rights, United States District Judge Sam R. Cummings explained the nature of the Second Amendment (*United States v. Emerson*, 46 F. Supp. 2^d 598 (D. N. Tex., 1999)):

"A historical examination of the right to bear arms, from English antecedents to the drafting of the Second Amendment, bears proof that the right to bear arms has consistently been, and should still be, construed as an individual right."

This proved too much for the Clinton-Gore Administration to abide, and the Justice Department appealed.

Alarmed by reports that Administration lawyers had argued in court that the Constitution does not protect the average citizen's right to bear arms, one such citizen asked the Solicitor General to clarify the Administration's position. In a letter dated August 22, 2000, U.S. Solicitor General Seth P. Waxman revealed the Clinton-Gore Administration's policy:

"... the Second Amendment does not extend an individual right to keep and bear arms."

Waxman's revelation deserves comment by the Vice President: **Does Al Gore agree that individual Americans have no right to defend themselves with a firearm?**

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